IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 21688 of 2004

Between:

S.Apsara W/o.Shaik Jakir Hussain
A.B.M.High School Markapur
Markapur Mandal, Prakasam District.

..... PETITIONER

AND

1 The State of Andhra Pradesh rep. by its Secretary

to Government School Education Department.
Secretariat, Hyderabad.
2 The Commissioner and Director of School Education,

Saifabad, Hyderabad.
3 The Regional Joint Direcgtor of School Education Guntur,

Guntur District.
4 The District Educational Officer Ongole, Prakasam District.
5 The Secretary/Correspondent A.B.M.High School,

Markapur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus by declaring the action of the respondents in not extending the benefit of absorbing the petitioner into aided post of Gr.II Hindi Pandit in the 5th respondent school on par with other similarly situated persons by ratifying her appointment as illegal, arbitrary, violative of Principles of natural justice and also violative of Article 14, 16 and 21 of the Constitution of India, consequently direct the respondents to absorb the petitioner into existing aided vacancy of Gr.II Hindi Pandit in the 5th

respondent school w.e.f. 25.6.2001 with all consequential benefits.

Counsel for the Petitioner:MR.V.AJAYAKUMAR

Counsel for the Respondents : GP FOR SCHOOL EDUCATION

The Court at the admission stage made the following :

ORDER:

The present Writ Petition is filed to issue Writ of Mandamus directing the respondent to absorb the petitioner in aided post of Grade II Hindi Pandit in the 5th respondent School with effect from 25-06-2001 on par with other similarly situated persons by ratifying her appointment.

The learned counsel for the petitioner contended that 1st respondent vide Memo No.19868/PS-1/2001-2 dated 23-11-2001 relaxed Rule –15 of G.O.Ms.No.524,Education dated 20-12-1988 and accorded permission to the 2nd respondent for absorption of one Smt.S.Prabhavathi,Teacher,S.V.E.S.HighSchool,Vidyanagar,Hyderabad from un-aided to aided Gr-II Hindi Pandit post in one of the existing vacancy and 1st respondent has given similar benefit to number of similarly situated persons. He further contended that the petitioner is working from 25-6-2001 as Grade II Hindi Pandit caused due to the promotion of one Smt.G.V.Raja Kumari as Grade-I Hindi Pandit in the same school and therefore, the petitioner is fully qualified to be absorbed in the said post. Therefore, it is necessary to consider the case of the petitioner in accordance with law.

The learned Government Pleader for Education opposed the writ petition on the ground that the petitioner's case will be considered in accordance with the Rules.

The contention of the petitioner is that he is working as Grade-II Hindi Pandit in the

5th respondent School since 25-06-2001, but the 4th respondent has not passed any appropriate orders on the proposal for absorption submitted by the 5th respondent and appropriate decision has to be taken by the respondents as per the Rules.

Therefore, on the request of the counsel for the petitioner, the writ petition is taken up for disposal and a direction is given to the respondents to pass appropriate orders on the proposals of the 5th respondent for absorption of the petitioner in aided post of Hindi Grade -II in the 5th respondent school in accordance with the Rules within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No costs.

KCB,J

26-11-2004

Stp

ASSISTANT REGISTRAR

To

1 The Secretary to Government, School Education Department,

State of Andhra Pradesh,

Secretariat, Hyderabad.

2 The Commissioner and Director of School Education,

Saifabad, Hyderabad.

3 The Regional Joint Director of School Education Guntur,

Guntur District.

4 The District Educational Officer, Ongole, Prakasam District.

5 The Secretary/Correspondent A.B.M.High School,

Markapur, Prakasam District.

6 2CCs to GP for Education, High Court Buildings, Hyderabad

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THE HON'BLE MR JUSTICE K.C. BHANU

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